

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

02-20296 CR-SEITZ

CASE NO.

21 USC 952(a)
21 USC 841(a)(1)

MAGISTRATE JUDGE
BANDSTRA

UNITED STATES OF AMERICA

v.

HENRRY MARTINEZ-ARROYAVE

INDICTMENT

The Grand Jury charges that:

COUNT I

On or about March 24, 2002, at Miami International Airport, in Miami-Dade County, in the Southern District of Florida and elsewhere, the defendant,

HENRRY MARTINEZ-ARROYAVE,

did knowingly and intentionally import into the United States, from a place outside thereof, a Schedule I controlled substance, that is, one hundred grams or more of a mixture and substance containing a detectable amount of heroin; in violation of Title 21, United States Code, Sections 952(a) and 960(b)(2).



COUNT II

On or about March 24, 2002, at Miami International Airport, in Miami-Dade County, in the Southern District of Florida and elsewhere, the defendant,

HENRRY MARTINEZ-ARROYAVE,

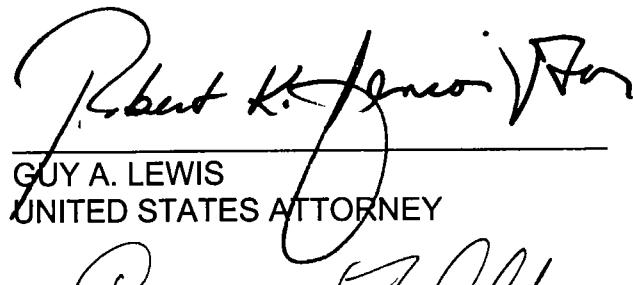
did knowingly and intentionally possess with intent to distribute a Schedule I controlled substance, that is, one hundred grams or more of a mixture and substance containing a detectable amount of heroin; in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

A TRUE BILL



Maren M. Dulli

FOREPERSON



GUY A. LEWIS
UNITED STATES ATTORNEY



CAMERON ELLIOT
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

02-20296 CR - SEITZ

v.

HENRRY MARTINEZ-ARROYAVECERTIFICATE OF TRIAL ATTORNEY REGISTRATE JUDGE
BANDSTRA

Superseding Case Information:

Court Division: (Select One)

New Defendant(s) Yes No Miami Key West
 FTL WPB FTPNumber of New Defendants Total number of counts

I do hereby certify that:

- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.
- Interpreter: (Yes or No) Yes
List language and/or dialect Spanish
- This case will take 2 days for the parties to try.

5. Please check appropriate category and type of offense listed below:

(Check only one) (Check only one)

I	0 to 5 days	<input checked="" type="checkbox"/>	Petty	<input type="checkbox"/>
II	6 to 10 days	<input type="checkbox"/>	Minor	<input type="checkbox"/>
III	11 to 20 days	<input type="checkbox"/>	Misdem.	<input type="checkbox"/>
IV	21 to 60 days	<input type="checkbox"/>	Felony	<input checked="" type="checkbox"/>
V	61 days and over	<input type="checkbox"/>		<input type="checkbox"/>

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes:

Judge: _____

Case No. _____

(Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No) Yes

If yes:

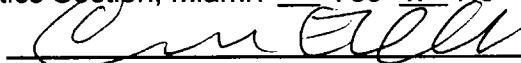
Magistrate Case No. 02-2443-LJO

Related Miscellaneous numbers: _____

Defendant(s) in federal custody as of 03/24/02

Defendant(s) in state custody as of _____

Rule 20 from the _____ District of _____

Is this a potential death penalty case? (Yes or No) No7. Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? Yes No If yes, was it pending in the Central Region? Yes No8. Did this case originate in the Narcotics Section, Miami? Yes No

 CAMERON ELLIOT
 ASSISTANT UNITED STATES ATTORNEY
 Court ID No. A5500606

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET**02-20296 CR-SEITZ**Defendant Name: HENRRY MARTINEZ-ARROYAVE Case No. _____MAGISTRATE JUDGE
BANDSTRA

Count #: I

21 USC 952(a) / Importation of Heroin

*Max Penalty: 40 Years' Imprisonment

Count #: II

21 USC 841(a)(1) / Possession with the Intent to Distribute Heroin

*Max Penalty: 40 Years' Imprisonment

Count #:

*Max Penalty:

Count #:

*Max Penalty:

Count #:

*Max Penalty:

Count #:

*Max Penalty:

*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 02-2443-O'SULLIVAN

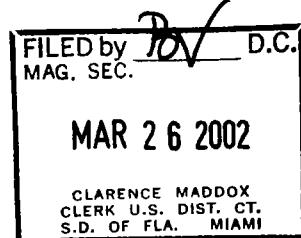
UNITED STATES OF AMERICA,

Plaintiff,

v.

HENRRY MARTINEZ-ARROYAVE,

Defendant.



DETENTION ORDER

Pursuant to 18 U.S.C. § 3142(f), on March 25, 2002, a hearing was held to determine whether defendant **HENRRY MARTINEZ-ARROYAVE** should be detained prior to trial. Having considered the factors enumerated in 18 U.S.C. § 3142(g), this Court finds that no condition or combination of conditions will reasonably assure the appearance of this defendant as required. Therefore, it is hereby ordered that the defendant **HENRRY MARTINEZ-ARROYAVE** be detained prior to trial and until the conclusion thereof.

In accordance with the provisions of 18 U.S.C. § 3142(i), the Court hereby makes the following findings of fact and statement of reasons for the detention:

1. The defendant is charged by complaint in the Southern District of Florida, with importing and possessing with intent to distribute heroin, in violation of Title 21, United States Code, Section 952(a) and 841(a)(1). Therefore, the defendant is charged with a narcotics offense for which a maximum sentence of more than ten (10) years is prescribed, resulting in a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance

7/1/02

of the defendant at all future court proceedings. Title 18, United States Code, Section 3142(e) and (f).

2. The weight of the evidence against the defendant is substantial. The government has proffered that on March 24, 2002, the defendant arrived from Cartagena, Colombia to Miami International Airport. A secondary inspection revealed approximately 2.19 pounds of heroin concealed within two wallets and a package inside the defendant's underwear. The defendant admitted to importing drugs into the United States on two prior occasions.

3. The pertinent history and characteristics of the defendant support pretrial detention. The defendant was born on August 21, 1978 in Colombia and is a citizen of Colombia. The defendant is a lifelong resident of Colombia and resides with his wife and child. His parents and sibling also reside in Colombia. His parents. The defendant has no prior criminal history. Title 18, United States Code, Section 3142(g)(3)(A). Title 18, United States Code, Section 3142(g)(3)(A).

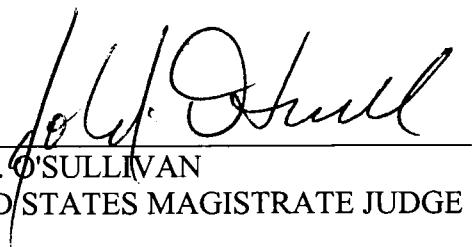
4. The defendant has no family ties and no financial ties to the United States but has strong ties to Colombia. Because of the seriousness of his offense, the undersigned believes that the defendant would not appear if released on bond.

5. The Court specifically finds, that there are no conditions or combination of conditions which reasonably will assure the defendant's appearance as required. Based upon the above findings of fact, which were supported by a preponderance of the evidence, the Court has concluded that this defendant presents a risk of flight.

The Court hereby directs:

- (a) That the defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practical, from persons awaiting or serving sentences or being held in custody pending appeal;
- (b) That the defendant be afforded reasonable opportunity for private consultation with counsel; and
- (c) That, on order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DONE AND ORDERED at Miami, Florida, this 26 day of March, 2002.



JOHN J. O'SULLIVAN
UNITED STATES MAGISTRATE JUDGE

Copies to:

Pretrial Services

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 02-2443-O'SULLIVAN

RECEIVED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
JULY 1 2002
3

UNITED STATES OF AMERICA,

Plaintiff,

v.

HENRY MARTINEZ-ARROYAVE,

Defendant.

**DEFENDANT'S INVOCATION OF
RIGHT TO SILENCE AND COUNSEL**

The defendant named above does hereby invoke his rights to remain silent and to counsel with respect to any and all questioning or interrogation, regardless of the subject matter, including, but not limited to, matters that may bear on or relate to arrest, searches and seizures, bail, pretrial release or detention, evidence at trial, guilt or innocence, forfeitures, or that may be relevant to sentencing, enhanced punishments, factors applicable under the U. S. Sentencing Guidelines, restitution, immigration status or consequences resulting from arrest or conviction, appeals or other post-trial proceedings.

The defendant requests that the U. S. Attorney ensure that this invocation of rights is honored, by forwarding a copy of it to all law enforcement agents, government officials, or employees associated with the investigation of any matters relating to the defendant.

✓
JPC

Any contact with the defendant must be made through the defendant's lawyer, undersigned counsel.

Respectfully submitted,

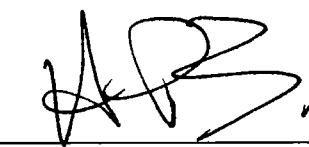
KATHLEEN M. WILLIAMS
FEDERAL PUBLIC DEFENDER

BY:


Henry P. Bell
Assistant Federal Public Defender
Florida Bar No. 090689
150 West Flagler Street, Suite 1700
Miami, Florida 33130-1555
Tel: 305-530-7000/ Fax: 305-536-4559

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been served via U.S. Mail upon the United States Attorney's Office, 99 N. E. 4th Street, Miami, Florida 33132-2111, this 26 day of March, 2002.


Henry P. Bell

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 02-2443-O'Sullivan

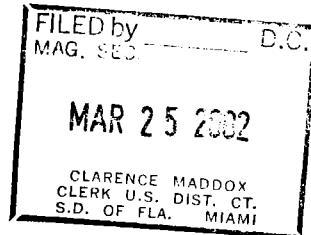
UNITED STATES OF AMERICA,

Plaintiff,

vs.

ORDER

Henry Martinez-Aroyan
Defendant



Pursuant to the Bail Reform Act, a detention hearing was held this date in accordance with 18 U.S.C. Section 3142(f). At the conclusion of the evidentiary hearing, the findings of fact and conclusions of law required by the Act were dictated into the record. It is thereupon

ORDERED AND ADJUDGED as follows:

1. The Defendant above named shall be detained pending trial in this case for the reasons stated on the record by the Court. *Reckless flight*
2. A final Order of Detention memorializing the dictated findings and conclusions shall be entered forthwith.

DONE AND ORDERED in Miami, Florida this 25th day of

March, 20 02.

TAPE NO. 02A-31-584

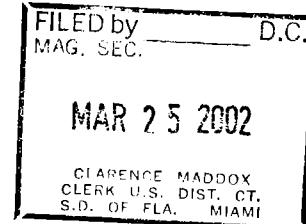
c: AUSA
Defense Counsel - *Bell*
Pretrial Services
U.S. Marshal
formoptd

UNITED STATES MAGISTRATE JUDGE
JOHN J. O'SULLIVAN

John J. O'Sullivan

CASE NUMBER 02-2443-O'Sullivan

INTERPRETER REQUIRED IN CASE



FOREIGN LANGUAGE SPANISH

DEFENDANT(S) HENRRY MARTINEZ-ARROYAVE

[Handwritten signature]

koia.

UNITED STATES OF AMERICA

Plaintiff,

v.

HENRY MARTINEZ-ARROYAVE
Defendant.UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 02-2443-O Sullivan

ORDER ON INITIAL APPEARANCE

Language	SPANISH	FILED by MAG. SEC.	D.C.
Tape No.	02A- <u>31-584</u>		
AUSA	<u>Frank A. Axler</u>	MAR 25 2002	
Agent			

DOB: 8-21-78 Reg# 68449-004

The above-named defendant having been arrested on 3-24-02 having appeared before the court for initial appearance on 3-25-02 and proceedings having been held in accordance with **F.R.C.P. 5 or 40(a)**, it is thereupon

ORDERED as follows:

1. _____ appeared as permanent/temporary counsel of record.

Address: _____

Zip Code: FRD Telephone: _____

2. _____ appointed as permanent counsel of record.

Address: _____

Zip Code: _____ Telephone: _____

3. The defendant shall attempt to retain counsel and shall appear before the court at 10:00 A.M. on _____, 2002.

4. Arraignment/Preliminary/Removal/Identity hearing is set for 10am 4/5, 2002.5. The defendant is held in temporary pretrial detention pursuant to 18 U.S.C. Section 3142 (d) or (f) because there is a high risk of flight. A detention hearing, pursuant to 18 U.S.C. Section 3142(f), is set for 10am 4/22, 2002.

6. The defendant shall be release from custody upon the posting of the following type of appearance bond, pursuant to 18 U.S.C. Section 3142:

This bond shall contain the standard conditions of bond printed in the bond form of this Court and, in addition, the defendant must comply with the special conditions checked below:

a. Surrender all passports and travel document to the Pretrial Services Office.

b. Report to Pretrial Services as follows: _____ times a week by phone, _____ time a week in person;

other: _____

c. Submit to random urine testing by Pretrial Services for the use of non-physician-prescribed substances prohibited by law.

d. Maintain or actively seek full time gainful employment.



HENRRY M. MARTINEZ-ARROYAVE

- e. Maintain or begin an educational program.
- f. Avoid all contact with victims of or witnesses to the crimes charged.
- g. Refrain from possessing a firearm, destructive device or other dangerous weapon.
- h. Comply with the following curfew:
- i. Avoid all commercial transportation facilities; no airports, no marinas, no bus terminals.
- j. Comply with the following additional special conditions of this bond:

This bond was set: At Arrest _____

On Warrant _____
After Hearing

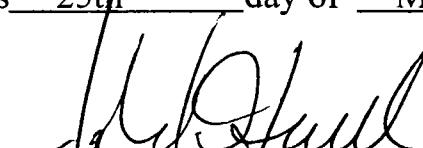
If bond is changed from that set in another District, the reason pursuant to Rule 40(f) is _____

If this space is checked, an evidentiary hearing pursuant to United States v. Nebbia, 357, F.2d 303 (2 Cir. 1966) shall be held prior to the posting of the bond. Such hearing shall be scheduled promptly upon notification to the court that the defendant is ready to post bond.

7. The defendant has been advised by the court that if he or she is released on bond pursuant to the conditions set forth herein or those later ordered by the court, the defendant is subject to arrest and revocation of release and to various civil and criminal sanctions for any violation of those conditions. These various sanctions and penalties are set forth more fully in the Appearance Bond itself.

8. The defendant is committed to the custody of the United States Marshal until an appearance bond has been executed in accordance with this or subsequent court order.

DONE AND ORDERED at Miami, Florida, this 25th day of MARCH
2002 .


UNITED STATES MAGISTRATE JUDGE
JOHN J. O'SULLIVAN

c: Assistant U.S. Attorney
Defendant
Counsel
U.S. Marshal
Pretrial Services/Probation

United States District Court

SOUTHERN

DISTRICT OF

FLORIDA

UNITED STATES OF AMERICA

v.

HENRRY MARTINEZ-ARROYAVE

CRIMINAL COMPLAINT

CLERK U.S. DIST. CT.
S.D. OF FLA. MIAMI

MAR 25 2002

CASE NUMBER: 02-2443-JJ0

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about March 24, 2002, at Miami International Airport, Miami-Dade County in the Southern District of Florida and elsewhere, the defendant did knowingly and intentionally import into the United States from a place outside thereof, a Schedule I controlled substance, that is, a mixture and substance containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 952(a); and did knowingly and intentionally possess with the intent to distribute a Schedule I controlled substance, that is, a mixture and substance containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(a)(1).

I further state that I am a Special Agent and that this complaint is based on the following facts:

On or about March 24, 2002, at approximately 2:20 p.m., the defendant, HENRRY MARTINEZ-ARROYAVE, arrived at Miami International Airport aboard Avianca Airlines Flight #004 from Cartagena, Colombia. After being admitted into the United States by the Immigration & Naturalization Service, the defendant presented himself and his luggage to the United States Customs Service for examination. During a secondary examination, United States Customs Inspectors discovered a white powdery substance concealed within two wallets and a package concealed inside the defendant's underwear. The defendant admitted importing narcotics into the United States. A field test of the white powdery substance proved positive for the presence of heroin. The estimated weight of the heroin found was 2.19 pounds.


Signature of Complainant

JOSE M. LIMARES, SPECIAL AGENT
UNITED STATES CUSTOMS SERVICE
MARCH 25, 2002

Sworn to before me, and subscribed in my presence,

MARCH 25, 2002

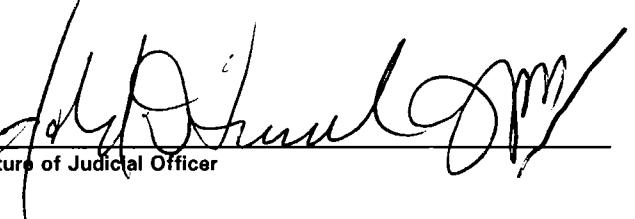
Date

at Miami, Florida

City and State

JOHN J. O'SULLIVAN
UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer


Signature of Judicial Officer

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 02-2443-JJU

UNITED STATES OF AMERICA

vs.

HENRRY MARTINEZ-ARROYAVE

CRIMINAL COVER SHEET

1. Did this case originate from a matter pending in the United States Attorney's Office prior to April 1, 1999? Yes X No
2. Did this case originate from a matter pending in the Central Region of the United States Attorney's Office prior to April 1, 1999? Yes X No

Respectfully submitted,

GUY A. LEWIS
UNITED STATES ATTORNEY

BY:


CAMERON ELLIOT
ASSISTANT UNITED STATES ATTORNEY
Court No. A5500606
99 N. E. 4th Street
Miami, Florida 33132-2111
TEL (305) 961-9136
FAX (305) 530-7976

FILED by _____
MAG. SEC. D.C.

MAR 25 2002

CLARENCE MADDOX
CLERK U.S.
S.D. OF FLA. MIAMI

UNITED STATES DISTRICT COURT,
Southern District of Florida

UNITED STATES OF AMERICA
Plaintiff

V.S.

Henry
Marcinez-Aroyave
Defendant

Case Number: CR

REPORT COMMENCING CRIMINAL
ACTION

68449-004

TO: Clerk's Office
U.S. District Court

Miami

Ft. Lauderdale
(Circle One)

W. Palm Beach

**NOTE: CIRCLE APPROPRIATE LOCATION FOR APPEARANCE IN MAGISTRATES
COURT ABOVE.**

All items are to be completed. Information not applicable or unknown will be indicated "N/A"

(1) Date and Time of Arrest: 3/24/02, 1420 hours

(2) Language Spoken: Spanish

(3) Offense (s) Charged: 21USC952-UNLAWFUL IMPORTATION OF NARCOTICS
21USC841(A) - POSS. W/H INTENT TO DISTR. NARCOTICS

(4) U.S. Citizen Yes No Unknown

(5) Date of Birth: 8-21-78

(6) Type of Charging Document: (Check One)
 Indictment Complaint To be filed/Already filed

CASE# _____

Bench Warrant for Failure to Appear
 Probation Violation Warrant
 Parole Violation Warrant

Originating District:

COPY OF WARRANT LEFT WITH BOOKING OFFICER YES NO

Amount of Bond: \$ _____ Who set Bond: _____

(7) Remarks: _____

(8) Date: 3/24/02 (9) Arresting Officer: S/A JOSE M. LINARES

(10) Agency: U.S. CUSTOMS SERVICE (11) PHONE: (786) 265-7401

(12) Comments: _____

[Signature]

02-20296 CR-SEITZ

ADMINISTRATIVE JUDGE
BANDSTRA

UNITED STATES DISTRICT COURT

SOUTHERN District of FLORIDA

Division

THE UNITED STATES OF AMERICA

vs.

HENRY MARTINEZ-ARROYAVE

INDICTMENT

In violation of 21 USC 952 (a)
21 USC 841 (a) (1)

A true bill.

Henry Martinez
HFGJ-02-01 (MIA)

Foreman

Filed in open court this 21st day,

of April A.D. 2002

H. Clark
Deputy Clerk

Bail \$ - - -